

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Final Examiner's Final Action electronically delivered April 22, 2010 (hereinafter "Office Action"), and respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

The Applicants originally submitted Claims 1-20 in the application. In the present response, the Applicants have amended Claims 1, 8, and 15. Support for the amendment can be found, *e.g.*, in paragraphs [0027]-[0028] of the original specification. No other claims have been amended, canceled, or added. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-20 under 35 U.S.C. §103

Previously, the Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,393,486 to Pelavin, *et al.* (hereinafter "Pelavin") and U.S. Patent Application Publication No. 2002/0021675 to Feldmann (hereinafter "Feldmann"). The Applicants respectfully disagree as argued below in view of the amendment noted above to independent Claims 1, 8, and 15.

At item 3 at the middle of page 3 of the Office Action, the Examiner states:

...However Pelavin did not explicitly disclose...and disqualifies alternative routes to said domain based on said indications prior to an alternative route convergence process. In the same field of endeavor Feldmann disclosed...route disqualification logic, associated with said RIB data receiver, that disqualifies alternate routes to said domain based on said indication prior to an alternative route convergence process...(paragrapah.36)

However, Claims 1, 8, and 15 have been amended, as noted above, to more clearly point out that the route disqualification logic disqualifies alternative routes to a domain prior to an alternative route convergence process, wherein the domain is thereby considered unreachable by the process and therefore not considered by the process.

The cited portion of Feldmann, paragraph [0036], states:

...The two ASes would typically establish a BGP session between the incident routers; these routers are BGP peers. The ISP employs local policies to select a route for each destination prefix, and to decide whether to advertise this route to neighboring ASes. BGP policies can filter unwanted advertisements and assign local preferences, based on a variety of attributes. Then, the router executes the BGP decision process to select the best route to each destination prefix.

While this cited portion of Feldmann may teach policies to select a route for each destination prefix and decide whether to advertise the route, the cited portion of Feldmann does NOT teach or suggest considering a domain unreachable and not considered by an alternative route convergence process.

As such, the cited portion of the cited combination of Pelavin and Feldmann, as applied by the Examiner, does not provide a *prima facie* case of obviousness for presently amended independent Claims 1, 8, and 15. Accordingly, the Applicants respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 1-20 and allow issuance thereof.

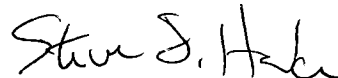
II. Conclusion

In view of the foregoing amendment and remarks, the Applicants see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned agent of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "Steve J. Hanke".

Steven J. Hanke
Registration No. 58,076

Dated: July 22, 2010

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800